

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YASIR MEHMOOD,

Petitioner,

2:15-cv-01813-APG-GWF

vs.

ORDER

TRINITY SERVICES GROUP, INC.,
et al.,

Respondents.

This action is a petition for writ of habeas corpus by Yasir Mehmood, who is apparently incarcerated at the Nevada Southern Detention Center, in Pahrump, Nevada, awaiting a criminal trial in the United States District Court for the Eastern District of California.

This is one of a series of habeas petitions filed by Mehmood in this court. In this regard, the court takes judicial notice of the proceedings in this court in the following habeas actions initiated by Mehmood in this court: Case No. 2:15-cv-01522-JAD-CWH, Case No. 2:15-cv-01594-GMN-CWH, Case No. 2:15-cv-01739-GMN-CWH, Case No. 2:15-cv-01847-MMD-VCF, Case No. 2:15-cv-01849-JCM-CWH, and Case No. 2:15-cv-01881-GMN-CWF. Mehmood has also filed at least two civil rights actions in this court, including Case No. 2:15-cv-01369-RCJ-CWH, and Case No. 2:15-cv-01818-GMN-GWF, and the court takes judicial notice of the proceedings in those actions as well.

1 Mehmoood has not paid the filing fee for this action, and he has not filed an application to
2 proceed *in forma pauperis*.

3 However, the court has examined Mehmoood's petition for a writ of habeas corpus pursuant
4 to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and finds
5 that the petition is plainly frivolous; it obviously does not state a claim upon which habeas relief
6 could be granted by this court. Therefore, the court will summarily dismiss this action.

7 As far as the court can tell, in his habeas petition in this case, Mehmoood complains that he
8 does not receive an adequate diet appropriate to his Muslim religious faith.

9 Mehmoood's claims are not cognizable in this habeas corpus action. "[T]he essence of habeas
10 corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional
11 function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475,
12 484 (1973); *see also Heck v. Humphrey*, 512 U.S. 477, 481 (1984) ("[H]abeas corpus is the
13 exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and
14 seeks immediate or speedier release..."); *Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir.2003)
15 ("[H]abeas jurisdiction is absent, and a § 1983 action proper, where a successful challenge to a
16 prison condition will not necessarily shorten the prisoner's sentence."); *Badea v. Cox*, 931 F.2d 573,
17 574 (9th Cir.1991) ("Habeas corpus proceedings are the proper mechanism for a prisoner to
18 challenge the 'legality or duration' of confinement. A civil rights action, in contrast, is the proper
19 method of challenging 'conditions of ... confinement.'" (citations omitted)). Mehmoood appears to
20 challenge the conditions of his confinement. He must do so in a civil rights action. His claims are
21 not cognizable in this habeas corpus action.

22 The court notes that in his complaint in Case No. 2:15-cv-01369-RCJ-CWH, one of the civil
23 rights actions that Mehmoood has initiated in this court, Mehmoood asserts claims that he does not
24 receive an adequate diet appropriate to his Muslim religious faith.

25 The court will summarily dismiss this action pursuant to Rule 4 of the Rules Governing
26 Section 2254 Cases in the United States District Courts.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

Dated this 13th day of October, 2015.


UNITED STATES DISTRICT JUDGE